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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,014	11/03/2003	Masakazu Nakamura	3712174-00459	3703

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EXAMINER	
ROBINSON BOYCE, AKIBA K	
ART UNIT	PAPER NUMBER
3628	

NOTIFICATION DATE	DELIVERY MODE
01/20/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary	Application No.	Applicant(s)	
	10/700,014	NAKAMURA ET AL.	
	Examiner	Art Unit	
	AKIBA K. ROBINSON BOYCE	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 December 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-35 and 62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-35 and 62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/21/09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/2/09 has been entered.

Status of Claims

2. Due to communications filed 12/2/09, the following is a non-final office action. Claims 1-18, 21-28 and 41-60 are cancelled. Claims 19, 20, 36-40, 61 and 63 have been withdrawn. Claims 29-35 have been amended. Claims 29-35 and 62 are pending in this application and have been examined on the merits. Claims 29-35 and 62 are rejected as follows. The previous rejection has been adjusted to reflect claim amendments.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 29-31, 33-35, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U.S. Publication No. 2003/0105641 in view of Goldstein et al., U.S. Patent No. 6,216,227.

As per claim 29, Lewis teaches an electronic ticket management method

(a)providing:

(i)an event organizer apparatus, ([0010], The system of the present invention also allows consumers to gain access to and to display their purchased tickets on Internet enabled or connected handheld devices, such as personal communications system cellular phones or pages or personal organizer type devices such as a portable digital assistant devices, for subsequent validation at the event to permit entry);

(ii) an electronic ticket platform center, ([0028], The main computer system 158 is capable of hosting numerous websites which presents virtual venues or various pages to the customer computer 152. A customer operating the customer computer 152 is able to interact with the various websites being hosted by the main computer system 158 to review various events, select an event, purchase tickets, receive tickets, and pay for tickets, [0031], main computer system); and

(iii) an electronic ticket distribution authentication apparatus, ([0031], The main computer system 188 also has a validation system 192 connected to the main computer system 188 by an electrical connection 194. The validation system 192 may be positioned or located at the venue or the event site. The main computer system 188 may also be located at the venue or the event site or it may be located at a remote location. The validation system 192 is used to read either a paper ticket or information from the handheld device 182, in order to allow a customer into an event. For example, the handheld device 182 may send a signal, such as an audio signal 196, to the validation system 192. The validation system 192 would then authenticate or validate the signal 196 to determine if the customer should be allowed entrance into the event);

(b) causing the event organizer apparatus to form event information unique to the event/(c) causing the event organizer apparatus to form seller information authorizing the electronic ticket distribution authentication apparatus to sell electronic tickets to the event, and (d) causing the event organizer apparatus to register the event information and the seller information in the electronic ticket platform center by the event organizer apparatus, ([0006], [0010], and [0020], lines 10-22 shows that the system is further capable of connecting or finding a website being hosted by a vendor computer system, and the customer computer is allowed access to the vendor computer system through the ISP system by use of a commonly available web browser or similar software package, also in [0022], it is shown that a validation system connected to or associated

with the vendor computer system is placed at the location or site of the event, and a ticket is used at the validation system in order to enter the event, where information read or entered from the ticket is transmitted from the validation system to the vendor computer system, where it is verified that the ticket is valid for the event, and then a signal is sent from the vendor system to the validation system which permits the customer to enter).

(e) causing the event organizer apparatus to receive

a request to distribute the electronic ticket information concerning a plurality of electronic tickets for the event from a user of the information storage chip (Lewis: paragraphs 0005; 0020; 0026; 0028; 0030),

(f) causing the electronic ticket distribution authentication apparatus to determine whether the electronic ticket information is to be distributed to the user by performing distribution authentication processing;

(g) causing the electronic ticket distribution authentication apparatus to register an authentication result in the electronic ticket platform center as ticket issuing information (Lewis: paragraphs 0010; 0021; 0026; 0028; 0030; The customer pays for the ticket and a record of the transaction is created in the vendor computer system/main computer system.) and

(h) causing the electronic ticket platform center to form an electronic ticket information master based on the event information registered by the event organizer apparatus (Lewis: paragraphs 0010; 0021; 0026; 0028; 0030)

(i) causing the electronic ticket platform center to relate the ticket issuing information registered by the electronic ticket distribution authentication apparatus to the electronic ticket information master (Lewis: paragraphs 0010; 0021; 0025; 0027; 0030- 0031), and

(j) causing the electronic ticket platform center to write the electronic ticket information concerning an electronic ticket for attending the event into the information storage chip based on the ticket issuing information by performing ticket issuing processing (Lewis: paragraphs 0010; 0021; 0025; 0027; 0030-0031; see smart card, handheld device 112, and wireless handheld device 182),

(k) causing the electronic ticket platform center to:

(i) assign at least one of the plurality of electronic tickets from the information storage chip to at least one other information storage chip, (Lewis: paragraphs 0027; 0029-0031; Lewis teaches the electronic ticket is structured in a format that allows the handheld device to transmit and receive ticket information to and from the vendor computer system/validation system. The Examiner notes, the claim merely recites the ticket is structured in a format that allows for the ticket to be assigned to another information storage chip. The step of actively performing the assigning step is not positively recited in the claim. Lewis teaches the ticket is structured in a format that

allows for assigning the ticket to another information storage chip. Moreover, transmitting assigned electronic ticket information from the information storage chip to the vendor computer system and back to an information storage chip (assigning a ticket) is a duplication of parts. See In re Harza, 124 USPQ 378 (CCPA 1960) (Mere duplication of parts has no patentable significance unless new and unexpected result is produced). There is no new or unexpected result produced since the ticket information is simply assigned to an information storage chip).

Lewis teaches purchasing one or more tickets for an event (Lewis: paragraph 0010), but does not explicitly teach (j) causing the electronic ticket platform center to write

electronic ticket information concerning a plurality of electronic tickets for attending the event into the information storage chip based on ticket issuing information by performing ticket issuing processing.

Goldstein teaches loading multiple electronic tickets for a range of events onto a smart card (Goldstein: col. 3, lines 47-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Lewis to have included writing electronic ticket information concerning a plurality of electronic tickets for attending the event into

the information storage chip as taught by Goldstein for the advantage of providing greater convenience to a customer by storing all tickets to multiple events on one card.

Lewis teaches purchasing one or more tickets for an event (Lewis: paragraph 0010), but does not explicitly teach (ii) in response to said at least one of the plurality of electronic tickets being assigned, delete or nullify the at least one ticket from the information storage chip.

Goldstein teaches in col 5, lines 38-45 that an applet stored on smart card 100 is able to keep data private and thus inaccessible to other stored applets. This prevents one applet from corrupting or examining tickets associated with a particular venue applet. In a present embodiment, however, tickets are cancelled or deactivated after being presented to validation device 106. In an alternative embodiment, individual tickets are deleted or overwritten.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Lewis to have included in response to said at least one of the plurality of electronic tickets being assigned, delete or nullify the at least one ticket from the information storage chip for the advantage of avoiding multiple use of one ticket.

As per claim 30, Lewis further teaches wherein the seller information (a) authorizes a plurality of electronic ticket distribution authentication apparatuses and(b) includes the number of electronic tickets to be handled by each of the plurality of electronic ticket distribution authentication apparatuses, ([0020], lines 10-22 shows that the system is further capable of connecting or finding a website being hosted by a vendor computer system, and the customer computer is allowed access to the vendor computer system through the ISP system by use of a commonly available web browser or similar software package, also in [0022], it is shown that a validation system connected to or associated with the vendor computer system is placed at the location or site of the event, and a ticket is used at the validation system in order to enter the event, where information read or entered from the ticket is transmitted from the validation system to the vendor computer system, where it is verified that the ticket is valid for the event, and then a signal is sent from the vendor system to the validation system which permits the customer to enter, which in this case, represents authorizing the ticket transaction, and also in [0026], it is shown that a customer operating the customer computer is able to interact with the website being hosted by the vendor computer system to review events, select an event, purchase tickets, receive tickets, and pay for tickets, and customers may also be presented with various screens with such screens presenting information concerning events, seating available for such events, payment methods, and ticket prices for each event. In this case, since the customer is given payment option methods, and the customer goes through the vendor website to get these payment options in order to authorize by the validation segment, this suggests that this seller

information on the website authorizes a plurality of electronic ticket distribution authentication apparatuses through the presentation of payment options. In addition, since this transaction through the vendor website allows for purchase and pay for tickets, the number of electronic tickets to be handled by each of the plurality of electronic ticket distribution authentication apparatuses suggested since one needs to know the number of tickets that one needs to purchase so he or she can pay the proper amount.

It would have been obvious to one of ordinary skill in the art to incorporate the number of electronic tickets to be handled by each of the plurality of electronic ticket distribution authentication apparatuses with the motivation of showing that the number of tickets must be incorporated in order to effectively manage ticket operations for event transactions.

As per claim 31, Lewis further teaches which includes distributing the information storage chip as a membership card according to a membership registration via the electronic ticket distribution authentication apparatus (Lewis: paragraph 0025).

As per claim 33, Lewis further teaches (a) sending the request to distribute the electronic ticket information from the user is sent and b) causing the electronic ticket platform center to perform the ticket issuing processing via a network (Lewis:

paragraphs 0020; 0027).

As per claim 34, Lewis further teaches:

(a) sending the request to distribute the electronic ticket information from the and

(b) causing the electronic ticket platform center to perform the ticket issuing processing via an electronic ticket information distribution store terminal, (Lewis: paragraphs 0005-0006; 0020; 0027).

As per claim 35, Lewis further teaches which includes causing the electronic ticket platform center to require

authentication processing when the electronic ticket information is written into the information storage chip (Lewis: paragraphs 0010; 0021; 0026-0028; 0030).

As per claim 62, Lewis in view of Goldstein does not explicitly teach wherein the plurality of electronic tickets written to the storage chip correspond to a plurality of consecutive seats for the same event. However, any difference in the type of tickets stored and the plurality of electronic tickets written on the smart card taught by Goldstein is solely found in the non\- functional descriptive material of the stored information. Non-functional descriptive material cannot lend patentability to an invention that would have otherwise been anticipated by the prior art. In re Ngai, 367 F.3d 1336, 1339; 70 USPQ2d 1862, 1864 (Fed. Cir. 2004); cf. In re Gulack, 703 F.2d 1381, 1385; 217 USPQ 401,404 (Fed. Cir. 1983) (when descriptive material is not functionally

related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability).

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, U.S. Publication No. 2003/0105641 in view of Goldstein et al., U.S. Patent No. 6,216,227 and further in view of Gebb, U.S. Patent No. 6,067,532.
As per claim 32, Lewis in view of Goldstein does not explicitly teach wherein a predetermined time period is provided between the distribution authentication processing performed by the electronic ticket distribution authentication apparatus and the ticket issuing processing performed by the electronic ticket platform center.
Gebb teaches a ticket server compares the current date with a predetermined time period before an event in order to determine if it is acceptable to redistribute a ticket to a new customer (Gebb: col. 2, lines 40-43; col. 7, lines 42-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Lewis in view of Goldstein to have included wherein a predetermined time period is provided between the distribution authentication processing performed by the electronic ticket distribution authentication apparatus and the ticket issuing processing performed by the electronic ticket platform center as taught by Gebb for the advantage of preventing the purchase of tickets when there is insufficient time to obtain the tickets and attend the event (Gebb: col. 8, lines 6-11).

Response to Arguments

6. Applicant's arguments filed 12/2/09 have been fully considered but they are not persuasive.

Applicant argues that the combination of Lewis, (U.S. Publication No. 2003/0105641) in view of Goldstein et al., (U.S. Patent No. 6,216,227) does not teach the limitations of claim 29. and that it would not have been obvious to one of ordinary skill in the art to modify Lewis and Goldstein to result in such electronic ticket management method without reasonably being construed as improper hindsight reconstruction. However, Lewis teaches an electronic ticketing and validation that allows a user to select an event, purchase a ticket for the event, pay for the ticket, and generate the ticket to be used to gain entrance at the event, where a validation system is provided for validating the ticket to allow entrance into the event, where the ticket can be issued in electronic form, in paper form, as a smart card, or as a season pass. Goldstein discloses a system and method for storing and validating electronic tickets for multiple venues on a single smart card. Tickets are purchased for events associated with venue applets and are stored on the smart card in association with the related

venue applets. It would be obvious to combine the teachings of Lewis and Goldstein et al since both references are directed towards systems and methods that validate tickets for events through use of smart cards. The combination of Lewis and Goldstein et al clearly discloses the limitations of the electronic ticket management method of claim 29 as explained in detail above in the rejection.

In addition, applicant also respectfully disagrees with examiner's notation that "The step of actively performing the assigning step is not positively recited in the claim. Lewis teaches the ticket is structured in a format that allows for assigning the ticket to another information storage chip. Moreover, transmitting assigned electronic ticket information from the information storage chip to the vendor computer system and back to an information storage chip (assigning a ticket) is a duplication of parts. See In re Harza, 124 USPQ 378 (CCPA 1960) (Mere duplication of parts has no patentable significance unless new and unexpected result is produced). There is no new or unexpected result produced since the ticket information is simply assigned to an information storage chip.)" Applicant disagrees and submits that such assigning step is positively recited. However, the limitation of the present invention states "(i) assign at least one of the plurality of electronic tickets from the information storage chip to at least one other information storage chip", which means that at least one of the plurality of electronic tickets must be structured in a format that allows for the ticket to be assigned from one information storage chip to the other information storage chip. For assignment purposes, the

information must then be transmitted back to the original information storage chip. This represents duplication of parts since the information is merely being transmitted from one location to the vendor, and back to the same location, which produce no new/unexpected result.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the •Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
January 5, 2010

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628